

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ILSE SANCHEZ and KARLA VELAZQUEZ
individually on behalf of all other persons
similarly situated

Plaintiffs,

v.

ALEXANDRA LOZANO IMMIGRATION
LAW PLLC and ALEXANDRA LOZANO

Defendants.

Case No.: 23-cv-1028

Hon. Judge Virginia Kendall

Hon. Magistrate Judge Susan Cox

INITIAL STATUS REPORT FOR CASES NEWLY FILED

Pursuant to this Court's February 23, 2023 order (Doc. #5), and Judge Kendall's Standing Order, the Parties through their respective counsel submit the following Initial Status Report.

1. Attorneys of Record – Plaintiffs

David J. Fish (Lead)
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Attorneys of Record – Defendants

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2. The basis for federal jurisdiction:

- Subject matter jurisdiction, Title 28 U.S.C. § 1337 and by 29 U.S.C. § 216(b).
- Subject matter jurisdiction under the Class Action Fairness Act, 28 U.S.C. § 1332(d). Plaintiffs and Defendant are citizens of different states, there are estimated to be hundreds of potential class members, and over \$5,000,000 is in controversy.
- Personal jurisdiction over Defendants because, during the relevant time period, they did business in Illinois, Immigration Law PLLC was registered to do business in

Illinois, and they are alleged to have committed violations of statutory law against individuals located in Illinois.

3. The nature of the claims asserted in the complaint and any expected counterclaim:

Claims Asserted:

Count I - Illegal Non-Compete Agreement in Violation of RCW 49.62 (Class Action Basis)

Count II – Misclassification and failure to pay proper overtime in violation of the Fair Labor Standards Act (“FLSA”), the Illinois Minimum Wage Law (“IMWL”) and the Chicago Wage Ordinance (“CWO”) (Class / Collective Action Basis)

Count III - Illegal Recording without Consent in Violation of RCW 9.73.030 (Class Action Basis)

Count IV – Unlawful use of Plaintiffs’ photographs and likeness in violation of RCW 63.60.010 (Class Action Basis)

Counterclaims: None

4. The name of any party not yet served and the circumstances regarding non-service:

None.

5. The principal legal issues:

- Whether the Named Plaintiffs are subject to enforceable arbitration agreements.
- Whether the claims are appropriate for class treatment.
- Whether the Named Plaintiffs are adequate class representatives.
- Whether the Plaintiffs in the Count II class were misclassified and improperly paid a salary in violation of the FLSA and IMWL.
- Whether the claims in Count II are appropriate for a collective action pursuant to §216(b) of the FLSA.

6. The principal factual issues:

- Whether any member of the putative class earned more than \$100,000.00 annually.
- The hours each putative class member worked and the duties they performed.
- The number of sales made and commissions earned in the various workweeks within the relevant time period.
- Whether there was consent to use the Plaintiffs’ likeness and photographs.

- Whether there was consent to record Plaintiffs' private conversations and communications.

7. Whether a jury trial is expected by either party:

Plaintiffs have made a demand for a trial by jury.

8. A short description of any discovery undertaken to date and any anticipated in the future:

No discovery has been conducted, at this time. Plaintiffs have requested certain information in order to conduct a damages analysis in advance of the Parties' settlement conference with Magistrate Judge Cox, scheduled for June 22, 2023.

If the case does not settle, Plaintiffs anticipate conducting written and oral discovery, including regarding the number and name of class members as well as their contact information, personnel files, payroll, commissions, sales, and timekeeping data, recordings and video evidence, contracts and other agreements between the Plaintiffs, class members, and the Defendants, and other information to support class and/or collective treatment of the claims.

For purposes of the upcoming settlement conference, Plaintiffs have requested: 1) payroll records (preferably in Excel format) for (a) all employees who worked for Immigration Law PLLC from February 21, 2020 through the present in the United States, (b) who worked for a period of that time on a salary basis, and (c) who held a title of Client Care Specialists, Paralegals, Legal Assistants, Managers, or Licenciado; payroll records (preferably in Excel format) for the following individuals: (a) All employees who worked for Immigration Law PLLC from February 21, 2020 through the present in the United States and (b) who were paid commissions or bonuses for helping to obtain clients; and the number of individuals who worked at Immigration Law PLLC on or before February 21, 2021.

Plaintiffs anticipate taking the deposition of Alexandra Lozano, as well as various supervisors and estimate a total of approximately five depositions.

9. An agreed discovery proposal including whether expert discovery will be required:

The Parties anticipate they will need approximately nine months for discovery and propose setting a discovery deadline at the conclusion of the settlement conference scheduled with Magistrate Judge Cox.

10. The earliest date the parties will be ready for trial and the length of the trial:

The Parties anticipate they will be ready for trial in approximately August 2024 and that the trial would last approximately five days.

11. Whether the parties unanimously consent to proceed before the Magistrate Judge:

The Parties do not consent to proceed before the Magistrate Judge at this time.

12. The status of any settlement discussions and whether the parties request a settlement conference:

The Parties have been referred to Magistrate Judge Cox for a settlement conference scheduled for June 22, 2023. (Doc. #6 and #13). Plaintiffs have requested Defendants provide the information outlined above in Paragraph 8.

Respectfully Submitted:

/s/ M. Nieves Bolaños

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing INITIAL STATUS REPORT FOR CASES NEWLY FILED was served upon all parties by e-filing this 12th day of April 2023 with the Clerk of the Court using the CM/ECF system.

/s/ M. Nieves Bolaños
One of Plaintiff's Attorneys